

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Bailey of 16th District, Bielby, Brett, Coulter, Drake, Dunn, Hammond, Hendry, Hind, Kirk, Parkhill, Rosborough, Smith and Tompkins—15.

No quorum present.

On motion of Mr. Tompkins the Senate adjourned until 10 o'clock Wednesday morning.

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WEDNESDAY, MAY 1st, 1889.

The Senate met pursuant to adjournment.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tompkins, Tuten, Wilkinson and Yancey—26.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

By Mr. Hammond:

Senate Resolution in relation to the Swamp Land Grant by Congress.

INTRODUCTION OF BILLS.

By Mr. Drake:

Senate Bill No. 131:

To be entitled act to amend section 6 of an act for the assessment and collection of revenue, approved June 13, 1887, being chapter 3681, Laws of Florida;

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Mr. Hammond:

Senate Bill No. 132:

To be entitled an act to enlarge and extend the franchises of the St. Cloud Sugar Belt Railway Company;

Which was read the first time by its title and referred to the Committee on Railroads and Telegraphs.

By Mr. Hammond:

Senate Bill No. 133:

To be entitled an act in relation to mortgages and mortgaged property;

Which was read the first time by its title and referred to the Committee on Judiciary.

By Mr. Hind:

Senate Bill No. 134:

To be entitled an act to establish a Criminal Court of Record in County of Putnam in the State of Florida;

Which was read the first time by its title and referred to the Committee on Judiciary.

Also,

Senate Bill No. 135:

To be entitled an act to amend an act entitled an act to prescribe a rule of evidence on the trial of suits against railroad companies for injuring or killing live stock by their engines, cars or trains in this State prior to the approval of this act, approved May 28th, 1887;

Which was read the first time by its title and referred to the Committee on Judiciary.

Also,

Senate Bill No. 136:

To be entitled an act to amend an act entitled an act to incorporate the St. Johns River, Lake Weir and Gulf Railroad Company, being chapter 3803, Laws of Florida, approved June 7th, 1887;

Which was read the first time by its title and referred to the Committee on Railroads and Telegraphs.

By Mr. Parkhill:

Senate Bill No. 137:

To be entitled an act to authorize and permit persons engaged in manufacturing in cities and towns in this State to erect, under certain circumstances, chimneys or smokestacks for the purpose of their manufactories, without interference by injunction at the suit of neighboring property holders;

Which was read the first time and referred to the Committee on Judiciary.

Also,

Senate Bill No. 138 :

To be entitled an act to incorporate the Baylen Street Wharf Company, and to confer powers thereupon ;

Which was read the first time and referred to Committee on Commerce and Navigation.

By Mr. Pirrong :

Senate Bill No. 139 :

To be entitled an act to prescribe the manner of paying jurors and State witnesses, and to repeal chapter 3108, of the Laws of Florida, being an act entitled an act to prescribe the manner of payment of jurors and State witnesses, approved March 8, 1879 ;

Which was read the first time and referred to the Committee on Judiciary.

By Mr. Tompkins :

Senate Bill No. 140 :

To be entitled an act for the relief of persons indefinitely imprisoned by operation of Law ;

Which was read the first time and referred to the Committee on Judiciary.

By Mr. Tuten :

Senate Bill No. 141 :

To be entitled an act to organize a county court in and for Hamilton county ;

Which was read the first time by its title and referred to the Committee on Judiciary.

CONSIDERATION OF BILLS ON SECOND READING.

Senate Resolution No. 34 :

In relation to swamp land granted by Congress to the State of Florida, was read as follows :

WHEREAS, It is shown by the report of the Commissioner of Agriculture that several million acres of lands, selected for the State of Florida, under the Swamp Land Grant by Congress of September 28th, 1850, have not yet been patented to the State ; therefore, be it

Resolved, That a Committee of three be appointed by the President of the Senate to inquire into and ascertain the cause of the delay in the issuing of patents for said lands and to re-

port the result of such inquiry, and that said Committee have power to send for persons and papers.

Mr. Hammond moved that it be adopted ;

Which was agreed to, and the resolution was adopted, and Messrs. Hammond, Tompkins and Pirrong were appointed said committee.

By permission Mr. Randell introduced the following resolution, which, by unanimous consent, was read :

Resolution No. 35 :

WHEREAS, The State of Florida has granted to the Pensacola and Atlantic Railroad Company several million acres of land on condition that said company would satisfy and pay off one-half of the indebtedness of the Internal Improvement Fund ; and,

Whereas, The said company has received the said lands, or a greater portion of them ; therefore, be it

Resolved by the Senate, the House concurring, That a committee of three (3) from the Senate be appointed to act with a committee of five (5) already appointed from the House, to investigate the matter, and report on as early a day as possible to the House and Senate as to whether or not said Pensacola and Atlantic Railroad Company has complied fully with the terms and conditions of the charter, as passed by the Legislature of the State of Florida, convened A. D. 1881 ;

Mr. Randell moved that the rules be waived and that the resolution be adopted ;

Which was agreed to by a two-thirds vote.

The rules were waived and the resolution was adopted.

Messrs. Randell, Yancey and Rosborough were appointed as the committee, in compliance with the above resolution.

REPORTS OF STANDING COMMITTEES.

Mr. Hammond, Chairman of Committee on Judiciary, submitted the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred—

Senate Bill No. 122 :

"An act to provide for amendment of proceedings in cases of writs of error or appeal;"
Also,

House Bill No. 5:

"A bill to be entitled an act in relation to the redemption of real estate sold under execution, decree, mortgage or deed of trust,"

Have had the same under consideration, and recommend that they do not pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following:

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 119:

An act to legalize conveyances of real estate in the State of Florida, heretofore or hereafter executed in other States and Territories of the United States, in accordance with the laws of such other States and Territories,

Have had the same under consideration, and respectfully submit the following substitute therefor, to wit:

An act to legalize conveyances of real estate in the State of Florida, heretofore or hereafter executed in other States and Territories of the United States, in accordance with the laws of such other States and Territories.

Be it enacted by the Legislature of the State of Florida:

SECTION 1. That any deed to real property in the State of Florida, which may heretofore have been executed in any other State or Territory of the United States, or which may hereafter be so executed, which from the manner of its execution shall have been entitled, or may hereafter be entitled, to record in this State, shall, if it would operate to bar dower in the State where executed, have the like force and effect upon its record in this State.

SEC. 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following:

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

Committee's Substitute for House Bill No. 33:

An act to amend section 47 of chapter 3681, Laws of Florida;

Also,

Joint Resolution No. 13:

Memorial to Congress of United States, praying for mail route from Kissimmee City to Fort Bassinger, in Osceola county, Fla.;

Also,

House Bill No. 63:

A bill to be entitled an act to fix the compensation of jurors and witnesses serving in the Courts of this State,"

Have had the same under consideration, and recommend that they do pass,

Very respectfully,

E. M. HAMMOND,
Chairman of Committee.

Also the following:

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

House Bill No. 104:

An act to amend an act in relation to the fees of various

officers, approved May 31, 1887, designated as chapter 3697, of the Laws of Florida;

Also,
House Bill No. 106:

A bill to be entitled an act to limit the time within which actions may be brought upon foreign judgments;

Also,
House Bill No. 107:

A bill to be entitled an act for the protection of keepers of livery, sale and feed stables,

Have had same under consideration and recommend that they do pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 62:

"An act to amend section 8 of an act to create and establish the County of Lake from portions of Sumter and Orange counties;"

Also,
Senate Bill No. 75:

"To be entitled "An act to amend an act for the better protection of animals running at large;"

Also,
Senate Bill No. 100:

"A bill entitled an act to promote and encourage the culture of oysters, and the industry of oyster farming and to protect persons engaged in the same,"

Have had the same under consideration, and recommend that they do pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee

Also the following:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 125:

"An act to amend section 51 of an act concerning wills, letters testamentary and letters of administration, and the duties of executors, administrators and guardians," approved November 20, 1828;

Also,
Senate Bill No. 130:

"An act relating to Court Commissioners,"

Have had the same under consideration, and recommend that they do pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 60:

An act for better regulating the record of instruments affecting land and making abstracts therefrom;

Also,
Senate Bill No. 74:

A bill to be entitled an act to reward persons who shall kill certain beasts of prey,

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 115 :

An act to provide for the payment of a per diem to persons assisting sheriffs, deputies or constables in the execution of their offices ;

Also,

Senate Bill No. 117 :

An act to amend section five (5) of an act regulating conveyances of real and personal property, and the recording thereof, approved November 15, 1828,

Have had the same under consideration, and recommend that they do pass.

Very respectfully,

E. M. HAMMOND,
Chairman of Committee.

Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 72 :

"A bill to be entitled an act to amend chapter 3124, Laws of Florida, entitled an act to allow married women to testify in all civil cases where their husbands are parties and not disqualified ;"

Also,

Senate Bill No. 97 :

"A bill to be entitled an act to extend the powers of Courts of Chancery in this State ;"

Also,

Senate Bill No. 105 :

"A bill to be entitled an act fixing the fees and compensa-

tion of the clerks of certain courts in this State for certain services."

Have had the same under consideration and recommend that they do pass.

Very respectfully,

E. M. HAMMOND,
Chairman of Committee.

Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., April 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 65 :

"A bill to be entitled an act to prescribe the mode of procedure for the exemption of the property of married women for a husband's debts ;"

Also,

Senate Bill No. 69 :

To be entitled "an act to provide for the admission from other States of the United States of companies or associations carrying on the business of life or casualty insurance on the assessment or natural premium plan ;"

Also,

Senate Bill No. 78 :

"A bill to be entitled an act to repeal chapter 3721, Laws of Florida,

Have had the same under consideration and recommend that they do pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following :

SENATE CHAMBER,
TALLAHASSEE, Fla., April 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 15 :

A bill to be entitled "An act to require non-residents to obtain license for taking fish in large quantities, and to provide a penalty for a violation thereof,"

Have had the same under consideration, and beg leave to report that the said bill is not repugnant to the Constitution of the United States; your Committee, therefore, report favorably thereon, and recommend that it do pass.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 73 :

An act in relation to the record of deeds, mortgages, and other instruments in writing,"

Have had the same under consideration and recommend that it do pass with the following amendment, to-wit :

Add an additional section, to be known as section 3, as follows :

Section 3. This act shall not apply to the record of any deed, mortgage, or other instrument in writing purporting to be recorded after the first day of July, 1889.

Very respectfully,

E. M. HAMMOND
Chairman Committee.

Also the following :

SENATE CHAMBER, }
TALLAHASSEE, Fla., April 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 108:

To be entitled an act to make the laws of other States, adopting persons as the heirs of other persons, applicable in this State,

Have had the same under consideration and respectfully offer the following substitute therefor :

A bill to be entitled an act to make the laws of other States adopting persons as the heirs of other persons applicable in this State.

Be it enacted by the Legislature of the State of Florida :

SECTION 1. Whenever by adoption a child would inherit the property of an intestate in any of the States of the United States, the laws of inheritance of said State shall apply to the property of any such decedents in the State of Florida.

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following :

SENATE CHAMBER, }
TALLAHASSEE, Fla., April 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 89:

A bill to be entitled an act to amend section 1 of an act entitled an act to amend sections 2, 3, 4, 5 and 6 of an act to amend sections 2, 6, 7, 8, 9 and 10 of an act entitled an act to fix and regulate the fees and per diem of certain officers herein designated, approved February 14, 1874, approved March 2, 1877, approved March 7, 1879,

Have had the same under consideration, and recommend that the same do pass, with the following amendments, to-wit :

Strike out all after the words "like service," in the 6th line of section 1, and insert in lieu thereof the following :

"That the Clerk of the Circuit Court, in addition to the fees already prescribed by law, shall receive three dollars per day for each day's attendance upon the Circuit or County Courts," so that section 1 will read :

SECTION 1. That section 1 of said act be amended to read as follows :

"The Clerk of the Supreme Court shall receive for each day's attendance in court three dollars, and such fees as are allowed the Clerks of Circuit Courts for like service. That the Clerk of the Circuit Court, in addition to the fees already prescribed by law, shall receive three dollars per day for each day's attendance upon the Circuit or County Courts."

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

A message was received from the House of Representatives.

Also the following:

SENATE CHAMBER, }
TALLAHASSEE, Fla., April 29, 1889.

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 111:

A bill to be entitled an act to amend section 24, chapter 69, of the Laws of Florida,

Have had the same under consideration and recommend that the same do pass, with the following amendment, to-wit:

Amend the title by adding the words "McClellan's Digest" thereto, so that the title will read: "A bill to be entitled an act to amend section 24, chapter 69, of McClellan's Digest of the Laws of Florida."

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Also the following:

SENATE CHAMBER, }
TALLAHASSEE, Fla., April 29, 1889.

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred—

Senate Bill No. 107:

To be entitled an act prescribing the mode of procedure for the exercise of the powers of eminent domain by cities and towns,

Have had the same under consideration, and recommend that it do pass with the following amendments, to-wit: Add the following after the words "possession thereof," at the close of section one: "And the purposes for which said land is to be taken." After the word "court," at the close of section four, add the following: "Provided, That either party dissatisfied with said verdict may, within three days from the rendition of said verdict, file his motion of appeal, in writing, to the Supreme Court, which said appeal shall be subject to the same rules of practice now regulating motions for new trials and appeals in cases at law from the Circuit to the Supreme Courts of this State, which said appeal shall operate, in case of the defendant, as a supersedeas without giving bond."

Very respectfully,

E. M. HAMMOND,
Chairman Committee.

Mr. Houstoun, Chairman of the Committee on Railroads and Telegraphs, made the following report:

SENATE CHAMBER, }
TALLAHASSEE, Fla., April 27, 1889.

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Railroads and Telegraphs, to whom was referred—

House Bill No. 58:

To be entitled an act to make it unlawful for live stock to run at large in certain election districts in Leon county, and to provide for the impounding and sale of stock so unlawfully running at large,

Beg leave to report that they have carefully considered the bill, and recommend that the bill do pass, with the accompanying amendments.

Very respectfully,

P. HOUSTOUN,
Chairman Committee.

Mr. Hind moved that Senate Bills Nos. 15a and 100 be referred to the Joint Committee on Fisheries;
Which was agreed to.

Mr. Wilkinson, Chairman of the Committee on Engrossed Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1st, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Engrossed Bills to whom was referred—

Senate Bill No. 37:

An act to provide for the revision and consolidation of the public statutes of this State,

Beg leave to report that they have examined the same and find it to be correctly engrossed.

Very respectfully,

JOHN WILKINSON,
Chairman of Committee.

Mr. Yancey, Chairman of the Committee on City and County Organization, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on City and County Organizations, to whom was referred—

House Bill No. 73:

"An act to establish the municipality of Key West, provide for its government, and prescribe its jurisdiction and powers,"

Beg to report that they have carefully considered the same and recommend that it do pass.

Very respectfully,

D. H. YANCEY,
Chairman Committee.

By permission Mr. Hind introduced—

Senate Bill No. 142:

To be entitled an act to provide for the appointment and to prescribe the duties of a public examiner for the State of Florida,

Was read the first time by its title and referred to the Judiciary Committee.

Mr. Hendry moved that the rules be waived and that House Bill No. 73 be taken up for consideration;

Which was agreed to by a two-thirds vote, and

House Bill No. 73:

To be entitled an act to establish the municipality of Key West, provide for its government, etc.,

Was read the second time by its title.

Mr. Hendry moved that the rules be waived and that House Bill No. 73 be read the second time by its title;

Which was withdrawn.

Mr. Hendry moved that House Bill No. 73 be made a special order for 4 o'clock this evening;

Which was agreed to, and the order made.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., April 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Memorial to the Postmaster-General:

Asking for the establishment of a mail route from St. Marks to Tercsa;

Also,

Senate Bill No. 88:

A bill to be entitled an act to declare Orange Creek, in Lee county, a navigable stream.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Also the following:

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., April 29, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has indefinitely postponed—

Senate Bill No. 36:

An act entitled an act to suppress gambling houses and gambling.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Also the following:

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., April 29th, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Substitute for House Bill No. 110:

A bill entitled an act to organize a County Court in and for the county of Brevard, to prescribe jurisdiction and powers, to provide for the appointment of a prosecuting attorney and for the compensation of the Judge of said court;

Also,

House Bill No. 146:

An act to establish a Criminal Court of Record in the county of Alachua;

And respectfully ask the concurrence of the Senate therein.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

Also the following:

HOUSE OF REPRESENTATIVES, }
TALLAHASSEE, Fla., April 27, 1889. }

HON. J. B. WALL,

President of the Senate.

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Memorial No. 11:

To Congress asking for an appropriation of \$100,000 to dredge the bars and deepen the channel at Apalachicola, Florida;

Also,

House Memorial No. 12:

To the Congress of the United States, requesting that the city of Palatka be made and declared a port of entry;

Also,

House Bill No. 57:

To be entitled an act to prohibit the willful running down or removing of the stakes, buoys, or marks designating the water channels of this State;

Also,

House Bill No. 113:

A bill to be entitled an act to prevent the introduction into this State of the so-called "White or Cottony Cushion Scale,"

And respectfully ask concurrence of Senate therein.

Very respectfully,

B. R. MILAM,

Chief Clerk of the House of Representatives.

House Bill No. 146:

A bill to be entitled an act to establish a criminal court of record in the county of Alachua,

Was read the first time by its title and referred to the Committee on Judiciary.

House Bill No. 113:

Entitled an act to prevent the introduction into this State of the so-called white or cottony cushion scale,

Was read the first time by its title and referred to the Committee on Agriculture.

House Bill No. 57:

An act to prohibit the wilful running down or removing of the stakes, buoys or marks designating the water channels of this State,

Was read the first time by its title and referred to the Committee on Commerce and Navigation.

House Memorial No. 12 to the Congress of the United States:

Requesting that the City of Palatka be made a port of entry,

Was read the first time by its title and referred to the Committee on City and County Organization.

Substitute for House Bill No. 110:

A bill entitled an act to organize a county court in and for the county of Brevard, to prescribe jurisdiction and powers, to provide for the appointment of a prosecuting attorney, and for the compensation of the judge of said court,

Was read the first time by its title and referred to the Committee on Judiciary.

House Memorial No. 11:

To Congress asking for an appropriation of \$100,000 to dredge the bars and deepen the channel at Apalachicola, Fla.,

Was read the first time by its title and referred to the Committee on Commerce and Navigation.

CONSIDERATION OF BILLS ON SECOND READING.

Mr. Yancey moved that 200 copies of House Bill No. 4 be printed for the use of the Senate;

Which was agreed to, and the order made.

CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 68:

To be entitled an act to allow teachers of the public schools of the State to use Miller's arithmetic in connection with any other series of school books when desired by the patrons,

Was informally passed over,

In deference to the absence of the introducer.

Senate Bill No. 27:

To be entitled an act to exempt widows from taxation on their homesteads,

Was by unanimous consent of the Senate withdrawn.

Senate Bill No. 52:

To be entitled an act to establish a home for soldiers, sailors and marines in the State of Florida,

Was by unanimous consent withdrawn.

Senate Bill No. 90:

To be entitled an act to set apart certain lands in this State for a public park, and to provide for the protection and preservation of the same,

Was informally passed over.

The hour of 11 o'clock A. M., for the special consideration of—

Senate Bill No. 57:

To be entitled an act to fix the legal rate of interest in the State of Florida, to define usury, and to provide for forfeiture on notes and contracts for extortionate interest,

Having arrived, it was taken up and was, on motion of Mr. Hind, informally passed over.

Senate Bill No. 15:

To be entitled an act for the greater security of the moneys of the State and Internal Improvement Fund,

Having a special order for the hour of 11 o'clock, was then taken up for consideration, and was read the third time and put upon its passage.

Pending which, a message was received from the House of Representatives.

Upon the passage of Senate Bill No. 15, the vote was:

Yeas—Messrs. Bielby, Hendry, Hind and Smith—4.

Nays—Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Brett, Bryant, Drake, Dunn, Hammond, Hardee, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Schumacher, Swearingen, Tuten, Wilkinson and Yancey—20.

So Senate Bill No. 15 failed to pass.

Senate Bill No. 90:

To be entitled an act to set apart certain lands in this State for a public park and provide for the protection and preservation of the same,

Was called up by Senator Dunn without objection, and was read the second time.

Mr. Dunn moved that the rules be waived, and that Senate Bill No. 90 be read the third time and put upon its passage,

Which was agreed to by a two-thirds vote, and Senate Bill No. 90 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 90, the vote was:

Yeas—Mr. President, Messrs. Bailey of 22d, Bailey of 16th, Bielby, Drake, Dunn, Hammond, Hardee, Hendry, Hind, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tuten, Wilkinson and Yancey—22.

Nays—Mr. Bryant—1.

So Senate Bill No. 90 passed, title as stated.

Senate Bill No. 101:

To be entitled an act to define the legal time in the State of Florida,

Was read the second time and passed to its third reading.

House Memorial to Congress for increase of mail service between Punta Gorda and Fort Myers,

Was read the second time and passed to its third reading.
House Memorial asking for mail route from Madisonville to Horseshoe Bay,

Was read the second time.

Mr. Randell offered the following amendment:

In line 11, strike out "Madisonville" and insert "Madison;"

Which was adopted.

Mr. Randell offered the following amendment to the title:

In title where Madisonville appears, strike out "Madisonville" and insert "Madison;"

Which was agreed to and the amendment to the memorial was ordered to be engrossed.

Senate Bill No. 49:

To be entitled an act to establish a Bureau of Immigration for the State of Florida,

Was informally passed over.

Senate Bill No. 50:

A bill to be entitled an act to enlarge and extend the powers, rights and franchises of the Florida, Ocean and Gulf Canal Company, and to enact that the canal and properties of said company shall be exempt from taxation,

Was withdrawn by unanimous consent.

House Bill No. 130:

A bill to be entitled an act to amend an act entitled an act to provide for the reorganization of the city of Fernandina, approved May 31, 1887,

Was read the second time and passed to its third reading.

A message was received from the House of Representatives.

Mr. Bryant moved that the Senate go into executive session;

Which was agreed to and the Senate went into executive session.

The doors were closed.

The doors were opened.

Senate Bill No. 71:

To be entitled an act to repeal an act to fix the license tax of stevedores,

On motion of Mr. Parkhill, was taken up from its regular order on the calendar and read the third time and put upon its passage.

Upon the passage of Senate Bill No. 71, the vote was:

Yeas—Messrs. Bailey 22d District, Bailey 16th District, Bielby, Brett, Bryant, Drake, Dunn, Hardee, Hind, Kirk,

Parkhill, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tuten and Yancey—19.

Nays—None.

So Senate Bill No. 71 passed, title as stated,

And was ordered to be certified to the House of Representatives.

House Bill No. 129:

A bill to be entitled an act declaring carrying away farm, garden or orchard products larceny,

Was, by consent, taken from its regular order and read the second time.

Mr. Schumacher offered the following amendment:

In section 1, line 17, after the word "vegetables," strike out "or" and insert afterward "fruit" or "flowers;"

Which was adopted.

Mr. Bielby offered the following amendment:

In lines 29 and 31 strike out the words "with intent to steal the same."

Mr. Bielby moved that the amendment be adopted;

Which was agreed to,

And the amendment was adopted,

And the amendments to House Bill No. 129 were ordered to be engrossed, and the bill passed to its third reading.

By unanimous consent—

Senate Bill No. 62:

To be entitled an act to amend section 8 of an act to create and establish the county of Lake from portions of Sumter and Orange counties,

Was taken up from its regular order for consideration and read the second time.

Mr. Hammond moved that the rules be waived and that Senate Bill No. 62 be read the third time and put upon its passage;

Which was agreed to by a two-thirds vote, and Senate Bill No. 62 was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 62, the vote was:

Yeas—Messrs. Bailey 22d, Bailey 16th, Bielby, Bryant, Coulter, Drake, Dunn, Hammond, Hardee, Jenkins, Parkhill, Rosborough, Schumacher, Smith, Swearingen, Tuten and Yancey—17.

Nays—Mr. Hendry—1.

So Senate Bill No. 62 passed, title as stated.

Mr. Dunn moved that the rules be waived and that—
Senate Bill No. 107 :

To be entitled an act prescribing the mode of procedure for the exercise of the powers of the eminent domain by cities and towns,

Be taken up for consideration ;

Which was agreed to by a two thirds vote, and Senate Bill No. 107 was read the second time.

Mr. Dunn moved that the committee amendments be adopted ;

Which was agreed to, and the bill was ordered engrossed for its third reading.

Mr. Dunn moved that the Senate take a recess until 4 o'clock P. M. ;

Which was agreed to.

So the Senate took a recess.

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

The roll was called and the following Senators answered to their names :

Mr. President, Messrs. Bailey 22d District, Bailey 16th District, Bielby, Brett, Bryant, Coulter, Dismukes, Drake, Hardee, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Schumacher, Smith, Swearingen, Tompkins, Tuten, Wilkinson and Yancey—23.

A quorum present.

The President announced that he was about to sign the following bills :

Senate Memorial No. 1 :

To Congress asking for a weekly mail route from Macclenny to Johnsville, Baker county ;

Also,

Senate Bill No. 29 :

A bill to be entitled an act to establish a seal for the office of the Commissioner of Agriculture of the State of Florida ;

Also,

Senate Joint Resolution No. 23 :

Instructing our Governor and Senators, and requesting our Representatives in Congress, to cause an investigation to be made to ascertain as to the legality of selections of swamp and overflowed lands, and have such as have been legally selected patented to the State ;

Also,

Senate Bill No. 7 :

A bill to be entitled an act to prescribe the times and places for holding the Circuit Courts of the Seventh Judicial Circuit ;

Also,

Senate Bill No. 22 :

An act to continue the rights, privileges and grants of the Silver Springs, Ocala and Gulf Railroad Company ;

Also,

Senate Bill No. 58 :

An act to constitute the Commissioner of Agriculture a member of the Board of Trustees of the Internal Improvement Fund of the State of Florida ;

Also,

Senate Memorial to Congress :

Asking for the relief of William P. Head, of Hillsborough county, Florida ;

Also,

Senate Joint Resolution No. 18 :

To authorize the Comptroller to cancel certain tax sale certificates ;

Also,

Senate Bill No. 30 :

An act entitled an act making the certificates of the Commissioner of Agriculture receivable in evidence ;

Also,

Senate Bill No. 19 :

An act to establish a Criminal Court of Record in the county of Lake ;

Also,

House Substitute for Senate Concurrent Resolution :

Requesting Senators and members of the House of Representatives of Florida, in Congress of the United States to urge passage of House Bill No. 6897 ;

Mr. Houston sent to the President's Desk Preamble and Resolution from the Commissioners of the municipality of Pensacola, which he was requested to hand to the President of the Senate directing his attention especially to the last Resolution.

The hour having arrived for the special consideration of—
House Bill No. 73;

To be entitled an act to establish the municipality of Key West, etc.,

Was taken up and read the second time.

Mr. Parkhill moved that the further consideration of House Bill No. 73 be postponed and that it be made the special order for 4 o'clock to-morrow evening;

Which was not agreed to.

So the motion to postpone was lost.

Mr. Houstoun moved that the further reading of the bill be postponed until the arrival of the Senator from Monroe;

Which was agreed to,

And House Bill No. 73 was so postponed.

Mr. Kirk moved that the rules be waived and that Substitute for House Bill No. 33:

To be entitled an act to amend section 47, chapter 3681 of the Laws of Florida,

Be taken up for consideration;

Which was agreed to by a two-thirds vote, and House Bill No. 33 was called from its regular order for consideration.

Pending the reading of which the following bills were introduced by unanimous consent:

By Mr. Tuten:

Senate Bill No. 143:

To be entitled an act making an appropriation for the Florida Normal School and Business Institute;

Which was read the first time and referred to the Committee on Appropriations.

Also,

Senate Bill No. 144:

To be entitled an act to amend section 15 of an act prescribing the rules of pleading and practice of the County Courts of the several counties of this State in civil and criminal cases;

Which was read the first time and referred to the Committee on Judiciary.

By Mr. Dismukes;

Senate Bill No. 145:

To be entitled an act to authorize the several judges of the several judicial districts of the State of Florida to remove the disabilities of minors;

Which was read the first time by its title and referred to Committee on Judiciary.

By Mr. Rosborough:

Senate Bill No. 146:

To be entitled an act making appropriation for the relief of the Gainesville Guards;

Which was read the first time by its title and referred to Committee on Appropriations.

By Mr. Hardee:

Senate Bill No. 147:

To be entitled an act to amend section 6 of an act to incorporate the Georgia, Florida and Key West Railway Company, approved June 2, 1887;

Which was read the first time by its title and referred to the Committee on Railroads and Telegraphs.

By Mr. Bailey of 22d District:

Senate Bill No. 148:

To be entitled an act to prohibit the sale of upland cotton in the seed within the County of Jefferson;

Which was read the first time by its title and referred to the Committee on Railroads and Telegraphs.

By Mr. Dunn:

Senate Bill No. 149:

To be entitled an act to establish a criminal court of record in the county of Marion;

Which was read the first time by its title and referred to Committee on Judiciary.

A message was received from the Governor.

By permission, Mr. Hammond introduced Senate Memorial No. 150, on fish commission;

Which was read first time and referred to Committee on Fisheries;

Mr. Swearingen in the chair.

Mr. Bailey of 22d District, Chairman of Committee on Corporations, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla, May 1st, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Corporations to whom was referred—

Senate Bill No. 112:

19s

To be entitled an act to legalize the incorporation of the town of Orange City in the county of Volusia, and to declare the incorporation of the town of Orange City valid and of full force and effect,

Beg leave to report that they have examined the said bill and recommend that it do pass.

Very respectfully,

E. B. BAILEY,
Chairman of Committee.

Also the following :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 1, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Corporations, to whom was referred—

Senate Bill No. 55 :

A bill entitled an act to incorporate the Banana Creek Improvement, Canal and Transit Company,

Beg leave to report that they have examined the said bill, and recommend that it do pass, with the following amendments:

Section 1, third line, between the words "Houk" and "are," insert, "having made due publication of their intention to apply for the passage of this act."

At end of section 4 add: "Said canal or canals to be of the width of 50 feet and $4\frac{1}{2}$ feet in depth"

Section 6, after the word "ocean," in fifth line, insert, "not already reserved to or selected by other corporations or owned by individuals." After the word "lands," in sixth line, insert, "not so reserved or selected." After the word "river," in twelfth line, add, "so salted and stocked by them for a period of twenty-five years."

Very respectfully,

E. B. BAILEY,
Chairman Committee.

Substitute for House Bill No. 33 :

To be entitled an act to amend section 47, chapter 3681, of the Laws of Florida,

Was read the second time.

Mr. Randell moved that Substitute for House Bill No. 33 remain on its second reading, and 200 copies be printed ;

Which was agreed to, and the order made.

Senate Bill No. 76:

To be entitled an act providing for a farm fence option law,
Was read the second time.

Mr. Swearingen moved that Senate Bill No. 76 remain on its second reading, and that 200 copies be printed ;

Which was agreed to, and the order made.

Senate Bill No. 79 :

To be entitled an act for the prevention to cruelty to animals,

Was brought from the calendar in its order.

Pending the reading of which a message was received from the House of Representatives.

Mr. Kirk in the chair.

Senate Bill No. 79 was ordered to be engrossed for its third reading.

On motion of Mr. Hendry the rules were waived by a two-thirds vote, and

House Bill No. 73 :

To be entitled an act to establish the municipality of Key West, provide for its government, etc.,

Was taken up for consideration and read the second time.

Mr. Parkhill offered the following amendment :

In section 3, line 2, after the word "residents," strike out "and property holders."

Mr. Parkhill moved that the amendment be adopted ;

Which was agreed to, and the amendment was adopted.

Mr. Dunn offered the following amendment :

Amend section 6, in line 9, by adding after the word "Commissioners," and before the word "are" the words "upon an affirmative vote of the registered voters of said city."

Mr. Parkhill moved that the amendment be adopted.

Mr. Hendry offered the following amendment to the amendment :

Strike out "registered voters of " and insert "property holders," in making the amendment read: "Upon an affirmative vote of the property holders in said city;"

Which was not agreed to.

So the amendment to the amendment was lost.

The question recurred upon the amendment of Mr. Dunn, and the amendment was agreed to.

So the amendment was adopted.

The amendments to Substitute for House Bill No. 73 were ordered to be engrossed.

Mr. Parkhill moved that the rules be waived and the bill be read the third time and put upon its passage.

The chair ruled that the amendments must be engrossed before the bill could be put upon its passage.

Mr. Parkhill withdrew his motion.

Mr. Yancey moved that the Senate adjourn until 10 o'clock to-morrow morning;

Which was agreed to.

The Senate stood so adjourned.

o —

THURSDAY, MAY 2d, 1889.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Dismukes, Dunn, Hammond, Hardee, Hind, Houstoun, Jenkins, Kirk, Parkhill, Pirrong, Randell, Roshorough, Schumacher, Smith, Tompkins, Tuten, Wilkinson and Yancey—25.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

The President handed to the Secretary to be read the following resolution from the Commissioners of the municipality of Pensacola:

WHEREAS, This Board did, upon the 11th day of April, without any expressed opposition, pass resolutions that certain bills relating to the issuance of bonds and appointing

of Marshal, Clerk and other city officers, should be prepared by the city attorney; and

Whereas, It was the understanding of a majority of this Board that the utmost dispatch was necessary, and that the bill would be transmitted without delay; and

Whereas, Its transmission was duly executed by the executive officer of this Board; and

Whereas, No action of this Board has ever been taken authorizing the statement that said bill was without the sanction of the Board; and

Whereas, A majority of this Board does sanction same and desire its passage; therefore, be it

Resolved, That the bill providing for the election of City Marshal and other city officers and for the issuance of seventy-five thousand dollars in bonds of the city, under certain restrictions, be transmitted to Tallahassee for its passage by the Legislature.

Be it resolved, That the President be directed and authorized to employ an attorney to give attention to the bill, looking to its passage.

Resolved, That the President of the Board has the thanks of the body for his attention to its wishes.

Resolved, That a certified copy of this preamble and resolutions be forwarded to the President of the Senate, with request that the same be laid before that body.

The above is a true and correct copy of a preamble and resolutions adopted by the Board of Commissioners of the provisional municipality of Pensacola, at a meeting held on the 25th day of April, 1889, commissioners Keyser, Clubbs, Wheeler, Hilliard and the President voting aye; commissioners Mallory and Brent, nay.

E. T. HUNT,

Clerk Municipality of Pensacola.

Mr. Parkhill moved that the resolution be spread upon the Journal and filed, together with the following letter and telegram:

PENSACOLA, Fla., April 22, 1889.

Hon. C. B. Parkhill, Tallahassee, Fla.:

MY DEAR SIR: I am informed that two bills have been sent you, or are before the Legislature, as coming from the City Commissioners.

If I am correctly informed, I desire to say that the Commissioners have not authorized any one to take such a step. It might